

STATE OF SOUTH DAKOTA
: SS
COUNTY OF MINNEHAHA

IN CIRCUIT COURT
SECOND JUDICIAL CIRCUIT
MAGISTRATE DIVISION

STATE OF SOUTH DAKOTA,
Plaintiff
vs.
SANTIAGO H GUAJARDO
Defendant(s).

SFPD2019-017839

INDICTMENT

cr:19-6809

- COUNT 1: AGG ELUDING-INHERENT RISK OF DEATH OR INJURY - CLASS 6 FEL as to SHG
COUNT 2: AGGRAVATED ASSAULT ON LEO - DANGEROUS WEAPON - CLASS 2 FEL as to SHG
COUNT 3: INJURY TO PERSONAL PROPERTY (>\$1,000 TO \$2,500) - CLASS 6 FEL as to SHG
COUNT 4: RECKLESS DRIVING - CLASS 1 MISD as to SHG
COUNT 5: OBSTRUCTING OFFICER/JAILER - CLASS 1 MISD as to SHG
COUNT 6: DRIVING WITHOUT HEADLIGHTS - CLASS 2 MISD as to SHG
COUNT 7: FAILURE TO DRIVE UPON RIGHT HALF OF ROADWAY - CLASS 2 MISD as to SHG
COUNT 8: STOP SIGN VIOLATION & PROCEED W/O SAFE PASSAGE - CLASS 2 MISD as to SHG

THE MINNEHAHA COUNTY GRAND JURY CHARGES:

COUNT 1

That the Defendant, SANTIAGO H GUAJARDO, in Minnehaha County, State of South Dakota, on or about the 7th day of September, 2019, did commit the public offense Aggravated Eluding Law Enforcement Officer (SDCL 32-33-18.2) in that the Defendant did flee from a law enforcement officer or attempt to elude the pursuit of a law enforcement officer and at any time during the flight or pursuit, the driver operated the vehicle in a manner that constituted an inherent risk of death or serious bodily injury to any third person, contrary to the form of the statute in such case made and provided and against the peace and dignity of the State of South Dakota.

COUNT 2

That the Defendant, SANTIAGO H GUAJARDO, in Minnehaha County, State of South Dakota, on or about the 7th day of September, 2019, did commit the public offense of Aggravated Assault Against Law Enforcement Officer, (SDCL 22-18-1.1(2) and SDCL 22-18-1.05) in that the Defendant did knowingly cause or attempt to cause bodily injury to another person, OFFICER [REDACTED] a law enforcement officer, with a dangerous weapon, A VEHICLE, which assault occurred while the officer or employee was engaged in the performance of the officer's or employee's duties, contrary to the form of the statute in such case made and provided and against the peace and dignity of the State of South Dakota.

VanGergen

COUNT 3

That the Defendant, SANTIAGO H GUAJARDO, in Minnehaha County, State of South Dakota, on or about the 7th day of September, 2019, did commit the public offense of Intentional Damage to Property (SDCL 22-34-1(2)) in that the Defendant did, with specific intent to do so, injure, damage, or destroy

private property, A POLICE CAR, in which any other person has an interest, CITY OF SIOUX FALLS, without the consent of that person, which damage was in the amount of two thousand five hundred dollars or less, but more than one thousand dollars, contrary to the form of the statute in such case made and provided and against the peace and dignity of the State of South Dakota.

COUNT 4

That the Defendant, SANTIAGO H GUAJARDO, in Minnehaha County, State of South Dakota, on or about the 7th day of September, 2019, did commit the public offense of Reckless Driving (SDCL 32-24-1) in that the Defendant did drive and operate any vehicle upon a highway, alley, public park, recreational area or upon the property of a public or private school, college or university in Minnehaha County, South Dakota, carelessly and heedlessly in disregard of the rights or safety of others or without due caution and circumspection and at a speed or in a manner so as to endanger or be likely to endanger, any person or property, contrary to the form of the statute in such case made and provided and against the peace and dignity of the State of South Dakota.

COUNT 5

That the Defendant, SANTIAGO H GUAJARDO, in Minnehaha County, State of South Dakota, on or about the 7th day of September, 2019, did commit the public offense of Obstructing Law Enforcement Officer or Jailer (SDCL 22-11-6) in that the Defendant did, by using or threatening to use violence, force, or physical interference or obstacle, intentionally obstruct, impair, or hinder the enforcement of the criminal laws or the preservation of the peace by a law enforcement officer or jailer acting under color of authority, contrary to the form of the statute in such case made and provided and against the peace and dignity of the State of South Dakota.

COUNT 6

That the Defendant, SANTIAGO H GUAJARDO, in Minnehaha County, State of South Dakota, on or about the 7th day of September, 2019, did commit the public offense of Driving Without Head Lamps or Rear Lamps (SDCL 32-17-4) in that the Defendant did during the period from sunset to sunrise and at any other time when there is not sufficient light to render clearly discernible any person on the highway at a distance of two hundred feet ahead, unlawfully operate a motor vehicle without having the same illuminated by two head lamps and rear lamps, contrary to the form of the statute in such case made and provided and against the peace and dignity of the State of South Dakota.

COUNT 7

That the Defendant, SANTIAGO H GUAJARDO, in Minnehaha County, State of South Dakota, on or about the 7th day of September, 2019, did commit the public offense of Failure to Use Right Half of Highway (SDCL 32-26-1) in that the Defendant, while driving a vehicle on a highway of sufficient width, and not a one-way street, did fail to drive the same upon the right half of the highway or fail to drive a slow-moving vehicle as closely as possible to the right-hand edge or curb of such highway, contrary to the form of the statute in such case made and provided and against the peace and dignity of the State of South Dakota.

COUNT 8

That the Defendant, SANTIAGO H GUAJARDO, in Minnehaha County, State of South Dakota, on or about the 7th day of September, 2019, did commit the public offense of Failure to Stop at Stop Sign (SDCL 32-29-2.1) in that the Defendant did fail to come to a full stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection and after having stopped, the driver shall yield the right-of-way to any vehicle which has entered or is approaching the intersection from another highway and may not proceed into the intersection until certain that such intersecting roadway is free from oncoming traffic unless directed to proceed by a police officer or traffic control signal, contrary to the form of the statute in such case made and provided and against the peace and dignity of the State of South Dakota.

Dated this 19 day of Sept, 2019

A TRUE BILL
"A TRUE BILL"

This indictment has the concurrence of at least six members of the Minnehaha County Grand Jury.


Foreperson
Minnehaha County Grand Jury

Witnesses who testified before the Grand Jury in the matter:

OFFICER BOBIER



OFFICER NACHREINER

SANTIAGO H GUAJARDO  SPRING AVE., WORTHINGTON, MN

DEMAND FOR NOTICE OF ALIBI

The undersigned (Deputy) State's Attorney states that the charged offense is alleged to have occurred on the ____ day of _____, _____, at or about _____ o'clock __M., at _____ Pursuant to SDCL 23A-9-1, demand is hereby made upon defendant and defendant's counsel to give notice of intent to offer a defense of alibi.

(Deputy) States Attorney
Minnehaha County, South Dakota



STATE OF SOUTH DAKOTA)
:SS
COUNTY OF MINNEHAHA)

IN CIRCUIT COURT
SECOND JUDICIAL CIRCUIT

STATE OF SOUTH DAKOTA,
Plaintiff,

CRI19-6809

VS.


PART II
INFORMATION FOR
HABITUAL CRIMINAL
(SDCL 22-7-8)

SANTIAGO H. GUAJARDO
Defendant.

THE UNDERSIGNED, as prosecuting attorney in the name of and by the authority of the State of South Dakota, upon his oath, informs this Court: That SANTIAGO H. GUAJARDO is a Habitual offender, in that SANTIAGO H. GUAJARDO has been convicted of a felony and has on (a) prior occasion(s) been convicted of (a) felony(ies), said felony(ies), being as follows:

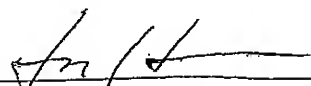
- BURGLARY 1ST ON OR ABOUT 6/30/2011-MARION COUNTY, OREGON
- FELON IN POSSESSION OF WEAPON ON OR ABOUT 6/30/2011-MARION COUNTY, OREGON
- POSSESSION OF CONTROLLED SUBSTANCE ON OR ABOUT 8/8/2011-MARION COUNTY, OREGON

contrary to the statute in such case made and provided and against the peace and dignity of the State of South Dakota.

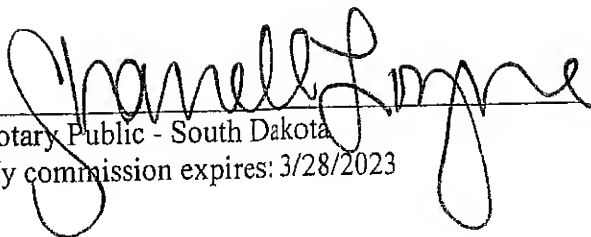

Prosecuting Attorney

STATE OF SOUTH DAKOTA)
:SS
COUNTY OF MINNEHAHA)

THE UNDERSIGNED, prosecuting attorney in the above case, being duly sworn upon oath deposes and states that I have read the foregoing Information (Part II) and the same is true to the best of my knowledge, information and belief.


Prosecuting Attorney

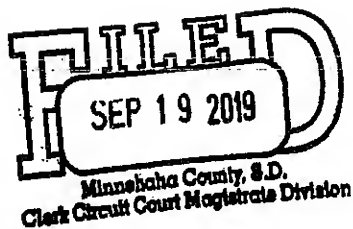
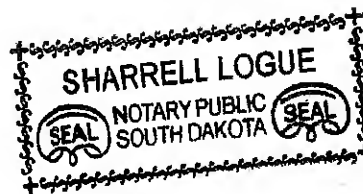
Subscribed and sworn to before me this 19 day of September, 2019.


Notary Public - South Dakota
My commission expires: 3/28/2023

WITNESSES KNOWN TO THE STATE AT THE TIME AND THE FILING OF THIS
INFORMATION:

CLERK OF COURTS- MARION COUNTY, OREGON
SHERIFF- MARION COUNTY, OREGON
ANGELIA M. GRIES - CLERK OF COURTS, MINNEHAHA COUNTY, SOUTH DAKOTA
MICHAEL MILSTEAD - SHERIFF, MINNEHAHA COUNTY, SOUTH DAKOTA
SIOUX FALLS POLICE DEPARTMENT IDENTIFICATION SECTION

WITNESSES KNOWN TO THE STATE AFTER THE FILING OF THE INFORMATION AND
ENDORSED WITH THE PERMISSION OF THE COURT:



STATE OF SOUTH DAKOTA
: SS
COUNTY OF MINNEHAHA

IN CIRCUIT COURT
SECOND JUDICIAL CIRCUIT
MAGISTRATE DIVISION

STATE OF SOUTH DAKOTA,

Plaintiff
vs.

SANTIAGO H GUAJARDO
Defendant(s).

SHR2019-02270/SFPD2019-018054/SFPD2
019-017911

INDICTMENT

Cr. 19-6825

- COUNT 1: AGG ELUDING-INHERENT RISK OF DEATH OR INJURY - CLASS 6 FEL as to SHG
COUNT 2: INJURY TO PERSONAL PROPERTY (>\$1,000 TO \$2,500) - CLASS 6 FEL as to SHG
COUNT 3: POSS OF FIREARM W/ALTERED SERIAL ## - CLASS 6 FELONY as to SHG
COUNT 4: POSSESSION OF FIREARM BY CONVICTED FELON - CLASS 6 FEL as to SHG
COUNT 5: RESISTING ARREST (USE/THREAT FORCE) - CLASS 1 MISD as to SHG
COUNT 6: RESISTING ARREST (OTHER MEANS) - CLASS 1 MISD as to SHG

THE MINNEHAHA COUNTY GRAND JURY CHARGES:

COUNT 1

That the Defendant, SANTIAGO H GUAJARDO, in Minnehaha County, State of South Dakota, on or about the 8th day of September, 2019, did commit the public offense Aggravated Eluding Law Enforcement Officer (SDCL 32-33-18.2) in that the Defendant did flee from a law enforcement officer or attempt to elude the pursuit of a law enforcement officer and at any time during the flight or pursuit, the driver operated the vehicle in a manner that constituted an inherent risk of death or serious bodily injury to any third person, contrary to the form of the statute in such case made and provided and against the peace and dignity of the State of South Dakota.

COUNT 2

That the Defendant, SANTIAGO H GUAJARDO, in Minnehaha County, State of South Dakota, on or about the 9th day of September, 2019, did commit the public offense of Intentional Damage to Property (SDCL 22-34-1(2)) in that the Defendant did, with specific intent to do so, injure, damage, or destroy private property, PICKUP, in which any other person has an interest, MINNEHAHA COUNTY SHERIFF'S OFFICE, without the consent of that person, which damage was in the amount of two thousand five hundred dollars or less, but more than one thousand dollars, contrary to the form of the statute in such case made and provided and against the peace and dignity of the State of South Dakota.

COUNT 3

That the Defendant, SANTIAGO H GUAJARDO, in Minnehaha County, State of South Dakota, on or about the 9th day of September, 2019, then and there did commit the crime of Possession of Firearm with an Altered Serial Number by knowingly possessing a firearm on which the manufacturer's serial number had been changed, altered, removed or obliterated, which conduct was in violation of SDCL 22-14-5, contrary to the form of the statute in such case made and provided and against the peace and dignity of the State of South Dakota.

COUNT 4

That the Defendant, SANTIAGO H GUAJARDO, in Minnehaha County, State of South Dakota, on or about the 9th day of September, 2019, did commit the public offense of Possession of Firearm by One with Prior Violent Crime Conviction or Certain Drug-Related Conviction (SDCL 22-14-15) in that the Defendant did, while having previously been convicted in this state or elsewhere of a crime of violence or a felony, namely FELONY ASSAULT 3RD DEGREE, possess or have control of a firearm, HANDGUN, contrary to the form of the statute in such case made and provided and against the peace and dignity of the State of South Dakota.

COUNT 5

That the Defendant, SANTIAGO H GUAJARDO, in Minnehaha County, State of South Dakota, on or about the 9th day of September, 2019, did commit the public offense of Resisting Arrest (SDCL 22-11-4(1)) in that the Defendant did intentionally prevent or attempt to prevent a law enforcement officer, acting under color of authority, from effecting an arrest of the Defendant or another, by using or threatening to use physical force or violence against the law enforcement officer or any other person, contrary to the form of the statute in such case made and provided and against the peace and dignity of the State of South Dakota.

COUNT 6

That the Defendant, SANTIAGO H GUAJARDO, in Minnehaha County, State of South Dakota, on or about the 9th day of September, 2019, did commit the public offense of Resisting Arrest (SDCL 22-11-4(2)) in that the Defendant did intentionally prevent or attempt to prevent a law enforcement officer, acting under color of authority, from effecting an arrest of the Defendant or another, by using any other means besides use or threat to use physical force or violence which created a substantial risk of causing physical injury to the law enforcement officer or any other person, contrary to the form of the statute in such case made and provided and against the peace and dignity of the State of South Dakota.

Dated this 19 day of Sept, 2019

A TRUE BILL
"A TRUE BILL"

This indictment has the concurrence of at least six members of the Minnehaha County Grand Jury.

[Signature]
Foreperson
Minnehaha County Grand Jury

Witnesses who testified before the Grand Jury in the matter:

OFFICER WILSON

DETECTIVE NELSON

[Redacted]

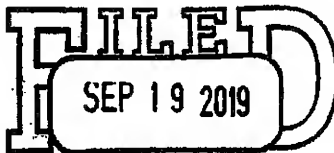
[Signature]

SANTIAGO H GUAJARDO [Redacted] SPRING AVE., WORTHINGTON, MN

DEMAND FOR NOTICE OF ALIBI

The undersigned (Deputy) State's Attorney states that the charged offense is alleged to have occurred on the ____ day of _____, at or about _____ o'clock __ M., at _____ Pursuant to SDCL 23A-9-1, demand is hereby made upon defendant and defendant's counsel to give notice of intent to offer a defense of alibi.

(Deputy) States Attorney
Minnehaha County, South Dakota



Minnehaha County, S.D.
Clerk Circuit Court Magistrate Division

STATE OF SOUTH DAKOTA)
:SS
COUNTY OF MINNEHAHA)

IN CIRCUIT COURT
SECOND JUDICIAL CIRCUIT

STATE OF SOUTH DAKOTA,
Plaintiff,

CRI19-6825

VS.

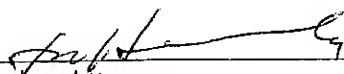
PART II
INFORMATION FOR
HABITUAL CRIMINAL
(SDCL 22-7-8)

SANTIAGO H. GUAJARDO
Defendant.

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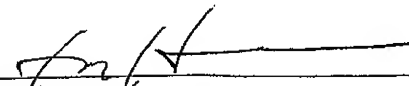
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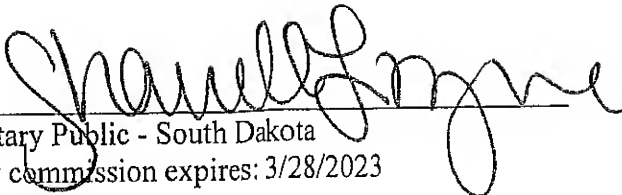

Prosecuting Attorney

STATE OF SOUTH DAKOTA)
:SS
COUNTY OF MINNEHAHA)

THE UNDERSIGNED, prosecuting attorney in the above case, being duly sworn upon oath deposes and states that I have read the foregoing Information (Part II) and the same is true to the best of my knowledge, information and belief.


Prosecuting Attorney

Subscribed and sworn to before me this 19 day of September, 2019.


Notary Public - South Dakota
My commission expires: 3/28/2023

WITNESSES KNOWN TO THE STATE AT THE TIME AND THE FILING OF THIS
INFORMATION:

CLERK OF COURTS- MARION COUNTY, OREGON
SHERIFF- MARION COUNTY, OREGON
ANGELIA M. GRIES - CLERK OF COURTS, MINNEHAHA COUNTY, SOUTH DAKOTA
MICHAEL MILSTEAD - SHERIFF, MINNEHAHA COUNTY, SOUTH DAKOTA
SIOUX FALLS POLICE DEPARTMENT IDENTIFICATION SECTION

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